

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIE GAUDIN,
Plaintiff,

v.

SAXON MORTGAGE SERVICES, INC.,
Defendant.

Case No. 11-cv-01663-JST

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING**

Re: ECF No. 132

In this certified class action, Plaintiff Marie Gaudin has filed a motion for preliminary approval of a class action settlement in the amount of \$4.5 million. The Northern District's "Procedural Guidance for Class Action Settlements" states that "[t]he motion for preliminary approval should address the following information: . . . d. The likely recovery per plaintiff under the terms of the settlement and the potential recovery if plaintiffs were to prevail on each of their claims," <http://www.cand.uscourts.gov/ClassActionSettlementGuidance>, and it is this Court's practice to request such information to evaluate the adequacy of a class action settlement.

Plaintiff's motion does not contain this information. Plaintiff states that the settlement "represents substantial consideration in a difficult case" and notes that the recovery is "15% of the approximately \$30 million in total TPP payments made to Saxon by the 2705 current Class members." ECF No. 132. at 2. Plaintiff also indicates that, depending on certain factors, class members can expect to receive a total award of \$184.84, \$859.11, or \$1533.40. ECF No. 132-1 at 4. Plaintiff's motion, however, does not detail what the total best case recovery would be for class members if, in the absence of this settlement, they were able to prevail on each of their claims. The Court therefore cannot determine what percentage of that total potential recovery this settlement represents.

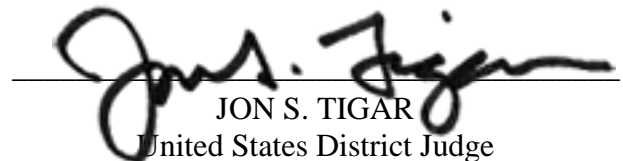
The Court is aware of the terms of other HAMP-related settlements, which are

1 substantially higher than the amounts proposed to be awarded here. See Wigod v. Wells Fargo
2 Bank, NA, No. 10-cv-2348 at ECF No. 268 (N.D. Ill. June 27, 2014) (granting preliminary
3 approval of award providing in excess of \$10 million in loan modifications, cash payments, and
4 other relief to a class containing 835 members); see also SunTrust HAMP Settlement at
5 <https://www.suntrushampsettlement.com/> (settlement resolving investigation by United States
6 Department of Justice that provided up to \$274 million to eligible borrowers, with individual
7 awards ranging from \$100 to more than \$50,000). While the Court does not now find that these
8 other settlements set a benchmark for or floor on an appropriate settlement in the present case, the
9 higher amounts in those cases underscore the absence of any information here about individual
10 class members' total likely recovery if they were to prevail on all of their claims.

11 Plaintiff is ordered to file supplemental briefing addressing the total damages recoverable
12 by class members if they were to prevail on each of their claims on or before June 11, 2015.

13 IT IS SO ORDERED.

14 Dated: May 21, 2015

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16 JON S. TIGAR
17 United States District Judge
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